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December 2, 2022

By ECF

The Honorable Paul A. Crotty
United States District Judge
Southern District of New York
500 Pearl Street, Chambers 1350
New York, NY 10007

12/9/22
The request for redaction is denied, as
most
No orders
Paul Crotty
USNY

Re: Aydemir v. Garland et al, 1:22-cv-00100 (PAC)

Plaintiff, by and through undersigned counsel, respectfully moves the Court to seal or, in the alternative, redact its Opinion and Order, September 6, 2022, ECF No. 22, to protect Plaintiff's identifying information, including his full name and the name of his employer. This Court has ancillary jurisdiction to redact a previously issued order at any time. *Cf. Hunt v. Enzo Biochem, Inc.*, 904 F. Supp. 2d 337, 343 (S.D.N.Y. 2012) ("It is well-established that courts have inherent equitable powers to grant confidentiality orders.").

Plaintiff Seyhmus Aydemir initiated the above-captioned matter by filing a petition for a writ of mandamus on January 6, 2022. ECF No. 4. Previously, Plaintiff received asylum in the United States, having fled his home country of Turkey. When Plaintiff filed this case, he relied on the limitation on remote access to electronic files in immigration matters, provided by the Federal Rules of Civil Procedure, Rule 5.2(c), to maintain his privacy and security.¹ Now, with the Court having issued a publicly available order, Plaintiff is fearful that his persecutors may discover his whereabouts through identifying information included in the Court's order. When searching Plaintiff's name on Google, this Court's opinion and order appears as a publicly available document on the first page of the search results. Search Results for "Seyhmus Aydemir," Google, www.google.com (enter "Seyhmus Aydemir" and view results). Upon realizing this, Plaintiff contacted the website that hosts the opinion regarding removing the document from their website. *See* Pl. Correspondence with CaseMine.com, attached as Exhibit A. He was informed that in order to remove the opinion and order, he would have to supply a court order noting that the document was sealed. *Id.* Plaintiff now asks the Court to provide such an order.

¹ It is also Plaintiff's understanding that remote access to this motion itself will be restricted pursuant to Rule 5.2(c), as with the rest of the docket.

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Plaintiff therefore moves by and through undersigned counsel to seal or, in the alternative, redact, the Court's September 6 Opinion and Order, ECF No. 22, so as to protect his identifying information from potential discovery by the very same persecutors from whom he fled. A proposed redacted opinion and order is attached as Exhibit B.

Plaintiff acknowledges that the Opinion and Order is a judicial document, and the presumption of openness applies. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 121 (2d Cir. 2006). However, Mr. Ayedemir's identifying information, including his full name, place of work, and city of residence, are all ascertainable from the Court's Order. That identifying information is extraneous to the Court's reasoning, and puts Plaintiff at risk of discovery by the persecutors from whom Plaintiff has already fled. Since discovering that this information was so easily accessible through a simple Google search, Plaintiff has experienced significant distress and fears for his safety. Plaintiff therefore moves this Court to seal the opinion and order, or, in the alternative, to issue a redacted order in its place.

Respectfully submitted,

/s/ Joshua L. Goldstein, Esq.

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United States District Court for the Southern District of New York NY Bar #3033263

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